

Provo, Utah, May 18, 1917.

Mrs. Alice Rambaud.

Provo, Utah.

Madam;

During the period of high water of Provo River and until the low water schedules are furnished, you may use River Bottoms ditch number "5 I" commonly called the "Boyce Ditch", from 6 o'clock p.m. of each Saturday ~~until~~ continuously for 42 hours until the following Monday at Noon. During the remainder of the week please leave this ditch clear that it may be used by the stockholders of the East River Bottoms Water Company.

Resp.

Commissioner.

Provo, Utah, May 18, 1917.

George Boyce.

Provo, Utah.

Dear Sir:

I have arranged for Mrs. Rambaud to use the " Boyce Ditch" for the time as shown by inclosed letter. Yourself and other stockholders of the East River Bottoms water Company will have the exclusive use of this ditch for the time not covered by Mrs. Rambaud schedule.

Resp.

Commissioner.

JOSEPH R. MURDOCK, PRESIDENT AND MANAGER

J. WILLIAM KNIGHT, VICE-PRESIDENT

R. J. MURDOCK, SECRETARY-TREASURER

DIRECTORS:

JOSEPH R. MURDOCK
J. WILLIAM KNIGHT
FRANCIS W. KIRKHAM
STEPHEN L. CHIPMAN
GEORGE H. BRIMHALL
JOSEPH B. KEELER
A. J. EVANS
O. C. BEEBE
DAVID A. SMITH

Provo Reservoir Company

Provo, Utah

July 17, 1917.

Mr. T. F. Wentz,
Water Commissioner,
Provo, Utah.

Dear Sir:

In reply to your verbal inquiry relative to irrigated lands under our system during the present season, you are advised that we are irrigating under Provo Reservoir system 8,401 acres, and under Sego system 200 acres, a total of 8,601 acres.

Yours truly,

PROVO RESERVOIR COMPANY.

RJM-MP

R. J. Murdock
Secretary.

2

Prove Reservoir Company *

vs

2886 Civil.

Prove City et al. *

Prove, Utah, Aug. 4, 1917.

Hon. C.W. Merse, Judge.

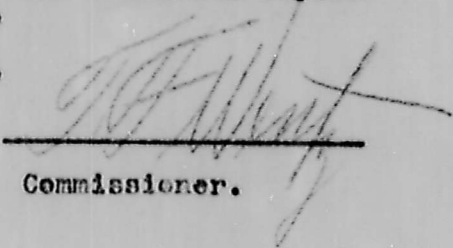
Salt Lake City, Utah.

Sir:

Enclosed herewith I am sending report of water delivered to Prove City during the past week, I enclose the gage reading of the observer at the Brickyard, during the night time.

I have made copy of my memo. for the week, of data concerning these diversion. And I enclose copies of two letters to the City.

Resp.


Commissioner.

Prove Reservoir Company *

vs

2888 Civil.

Prove City et al *

Weekly Report of the Commissioner Relative to the amount of water furnished the Defendant Prove City, and the constancy of flow.

Extracts from Commissioner's Memo. Book.

July 27, The Court instructs, gage readings of city supply during night, and a more careful patrolling of users along City Creek.

I instal a gage at Northwest corner of bridge across channel from Factory Race to City Race, this bridge is approx. 200 feet South of brick plant of Prove Pressed Brick Co. This gage is hereafter designated "Channel Gage".

Channel gage	7:27 p.m.	1.28	
East Union	7:31 p.m.	1.00	29.22 sec.ft.
Channel gage	8:00 p.m.	1.30	
East Union	8:04 p.m.	1.00	29.22 " "

I engage Charles E. Brown to read gages at brickyard- channel gage and East Union, at \$1.00 per night.

July 28, East Union	631 a.m.	72	18.76
Factory Race	633 a.m.	2.20	33.24
Channel Gage	638 a.m.	64	
City Race	644 a.m.	95	17.00
Tanner Race Assumed			9.12
Total			<u>78.12</u>

I engage Frank Lyson to read gages during day time.

Stepped some of the water from waste gates of City Creek.

At 2:35 p.m. Fred Ferguson phones "City Creek has dropped" I phone Oliver at Olmstead Plant, he states, "we have cut out two wheels, and are spilling." Mr. Ferguson later reports; City Creek became normal one hour after drop.

At 9 p.m. Chas. Brown at brick yard, gage reader, phones and reports, East Union gage 68, Channel gage 76; half the water gone.

I leave in car and go to Prove Bench register, it shows a raising flow, I call for Fred Ferguson (President River Bottoms) and go over part of city Creek and find it alright and a little higher.

I then go to brickyard;

Factory Race	11:01 p.m.	34.50 sec.ft.	G.H. 2.22
East Union	11:06 p.m.	68	15.69 sec.ft.
Channel gage	11:11 p.m.	64	

I follow Factory race through city; at Northwest corner of First Ward Pasture all of flow going to lake except approx. 4. sec.ft. Set gage hub.

(2)

July 29,	East Union	603a	64	14.38
	Factory Race	606a	224	35.76
	Channel gage	609a	69	
	City Race	618a	1.00	17.80
	Tanner Race	629a	54	13.68
	Total			81.62

At 11:30 a.m. observed Factory Race at center street flowing same as this morning. I called attention of J.D.Dixon to this matter. On my way home observed City Race and Tanner Race running same as this morning.

Channel gage	733p.	82	
Factory Race	735p	231	40.80 sec.ft/
East Union	739p	68	15.69
City Race	746p	110	19.10
Tanner Race	754p	54	13.68
Total			89.27

July 30,	East Union	943a	70	16.46
	Factory Race	946a	250	55.14
	City Race	955a	128	22.80
	Tanner Race	1006a	60	15.96.
	Total			110.36

Note: This is high on account of Upper East Union canal turning out to repair canal.

Reclamation service office at Provo, observers of rainfall report as follows:

July 27,	rainfall	0.40	inch.
July 28,	"	0.45	"
July 29,	"	0.01	"
July 30,	"	0.70	"

Aug.1,	East Union	832p	0.70	16.46
	Factory Race	834p	252	58.
	Channel gage	841p.	94	

Aug.2,	East Union	611a	70	16.46
	Factory Race	613a	249	54.94
	Channel gage	616a	90	
	City Race	621a	116	19.50
	Tanner Race	631a	50	10.80
	Total			101.70

Joseph Frampton of Provo Bench phones, "77 second feet going to waste through Provo City, this morning."

Aug.3,	City Race	1034a	98	18.40
	East Union	1116a	68	15.69
	Factory Race	1118a	237	45.14
	Channel gage	1120a	70	
	City Race	1145a	98	second reading.
	Tanner Race	1156a	41	7.40
	Total			86.63

East Union	651p	68	15.69
Factory Race	653p	237	45.14
Channel gage	655p	70	
City Race	707p	96	16.40
Tanner Race	Assumed		7.40
Total			86.63

(3)

Aug. 4, Tanner Race 531a 40 7.00 *
 City Race 555a 86 16.00 * Gage readings reported by
 East Union 605a 66 15.03 * T.CThomptsen.
 Factory Race 609a 230 39.76 *
 Total.77.79

 East Union 650a 67 15.30
 Factory Race 653a 233 42.20
 Channel gage 656a 67
 City Race 710a 86 16.00
 Tanner Race 724a 40 7.00
 Total. 80.50

Record of Gage readings taken by Frank Dyson, City Race, Factory Race, and East Union. Calculations by Mr. Wentz, Tanner Race discharge is assumed to show approximate total.

Date	Time	East Union	Factory Race	City Race	Tanner Race	Total.
		GH Disch	Time G.H. Disch	Time GH Disch	Disch	
July 28.	1000a	66 15.03	1000a 228 38.70	945a 104 19.30	9.	82.03
"	28	315p 60 12.98	315p 196 19.24	400p 96 17.80	9.	59.02
"	30	400p 72 17.16	400p 256 61.*	4p 126 23.20	16.	117.36
"	31	1015a 72 17.16	1020a 260 64.*	1015a 132 24.30	16.	121.46
"	31	4p 74 17.93	4p 270 72.*	410p 136 25.60	16.	131.43
Aug 1.	9a	72 17.16	9a 260 64.*	915a 120 22.20	11.	114.36
"	1.	430p 70 16.46	430p 252 58.*	445p 116 21.50	11.	106.96
"	2.	900a 68 15.69	9a 250 56.*	915a 114 21.00	11.	103.69
"	2.	430p 66 15.03	430p 234 43.04	445p 94 17.50	11.	86.57
"	3.	9a 68 15.69	9a 238 45.98	915a 100 18.60	7.	87.27
"	3.	430p 66 15.69	430p 237 45.14	445p 98 18.20	7.	86.03

Discharge marked thus * are approximate, water flowing over sides of weir.

Estimated Discharge Provo River in the Utah Valley.

July 27, 432 sec.ft.
" 28, 418 " "
" 29, 470 " "
" 30, 565 " "
" 31, 600 " "

Aug. 1, 541 " "
" 2, 508 " "
" 3, 461 " "
" 4, 427 " "

Note; Aug. 4, I phone Oliver at olmstead Plant regarding fluctuation of July 28, he states:

" Shut down whole plant at 12:52p.m. for 24 hour test, water was forced over spillway at other end of tunnel and came down river bed, shortly after".

Provo Reservoir Company *
 *
 vs * 2888 Civil.
 *
 Provo City et al. *

Provo, Utah, Aug. 4, 1917.

H. J. W. Geddard, Commissioner Provo City.

Provo, Utah.

Dear Sir:

Under date of July 28, 1917, you were requested to make repairs of weirs, please attend to this matter at once. You were also ordered to close gates leading to river bed from City Creek, I have been unable to account for your negligence in this matter, so I have had Mr. Carter close these gates.

Our record for the past week shows that you have been flowing to Utah Lake through the Factory Race the following quantities of water:

Night of July 28-29 . . .	35 sec.ft.
Day of July 29	35 " "
Night of July 29-30 . . .	40-43 sec.ft.
" " " 30-31 . . .	61-64 " "
" " " 31 and Aug 1. . .	70. " "
" " Aug 1-2 . . .	56-59 " "
" " Aug 2-3 . . .	40-43 " "
" " Aug 3-4 . . .	39-43 " "

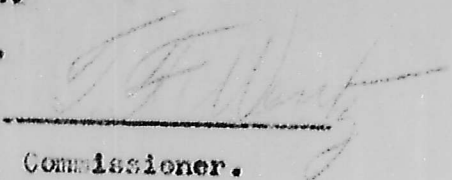
During Aug. 3 and 4, the Tahner Race has been drawing but 7 second feet, it is the farmers using water from this diversion that have been making complaints to you, and your witness Jacob I. Jacobsen may have been abundantly supplied during this week if you had so desired.

I am at a loss to understand your practice and the letter of July 20 to the Court.

The commissioner is interested in supplying you with all the water you can reasonably consume, but you must understand a diligent use of the water must be made. I do not expect to allow you to flow water into Utah Lake, unused, for a week at a time, and then the next week give you a great quantity.

You will please make some explanations of your distribution during the past week.

Resp.


 Commissioner.

P.S. Kindly file your answer in duplicate that the Court may be kept advised in this matter.

Copy.

Provo, Utah, Aug. 6, 1917.

Hon. C.W. Morse.

Salt Lake City, Utah.

Sir:

I hand you herewith "Tabulation of Flow and Distribution of Provo River" in the Utah Valley for August 6, 1917. I also enclose general outline of distribution which is self explanatory. Observe 22.18 second feet is held as reserve for drops and possible interferences, the greater part of this flows in City Creek and to the Defendant Provo City.

Resp. Submitted,

T.F. Wentz

Commissioner.

DIRECTORS:

JOSEPH R. MURDOCK
J. WILLIAM KNIGHT
FRANCIS W. KIRKHAM
STEPHEN L. CHIPMAN
GEORGE H. BRIMHALL
JOSEPH B. KEELER
A. J. EVANS
O. C. BEEBE
DAVID A. SMITH

Provo Reservoir Company

Provo, Utah

August 7, 1917.

Mr. T. F. Wentz, Water Commissioner,
Provo River,
Provo, Utah.

Dear Sir:

Immediately following the recent hearing before the Court with reference to the inadequate water supply reaching Provo City, the Provo Reservoir Company by its Engineers Caleb Tanner and I. H. Jacob, in connection with general observations as to the use of water, the condition of the crops, the maintenance of ditches, made observations with reference to the volume of waste leaving the Provo City Irrigation System and flowing into Utah Lake. As you have been maintaining a continuous set of observations on the Mill Race, no information with respect to that stream will be submitted. Our observations reported herein are limited to the following ditches: Tanner Race waste way, near the Southwest corner of the Gronaman land, about one block West of Scott's lane; the Scott Lane ditch on 9th West; Fifth West ditch; the City ditches, serving lots from Academy Avenue, East; the East Union lateral, which crosses the State road between Heddenburg's and Bullock's, and the waste way from the East Union at the Infirmary.

Please note that the Infirmary waste comes only on the a. m. and p. m. observations of the 4, and the a. m. observations of the 5. This place was not visited before the morning of the 4.

July 28, a.m.,	Scott Lane, Fifth West and City Lot Ditches,	12.12 S.F.
July 29, a.m.,	Scott Lane, Tanner Race, Fifth West and City Lot Ditches,	15.66
July 30, p.m.,	Scott Lane, Tanner Race, Fifth West,	21.00
July 31, a.m.,	Scott Lane, Tanner Race, Fifth West and City Lot Ditches,	24.32
Aug. 1, p.m.,	Scott Lane, Tanner Race, Fifth West,	18.22

7

T.F.W. 8-7-17. No. 2.

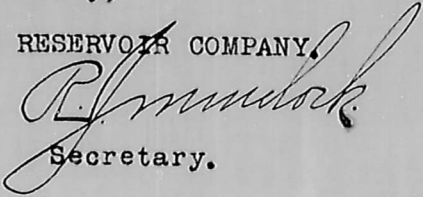
Aug. 2, a.m.,	Scott Lane, Tanner Race, Fifth West, City Lot Ditches, East Union Lateral, between Heddenburg's & Bullock's,	24.74
Aug. 2, p.m.,	Scott Lane, Tanner Race, Fifth West,	11.00
Aug. 3, a.m.,	Scott Lane, Tanner Race, Fifth West, City Lot Ditches, East Union Lateral, between Heddenburg's & Bullock's,	17.30
Aug. 3, p.m.,	Scott Lane, Tanner Race, Fifth West,	14.60
Aug. 4, a.m.,	Scott Lane, Tanner Race, Fifth West, City Lot Ditches, East Union waste way at Infirmary, East Union Ditch between Heddenburg's & Bullock's,	21.56
Aug. 4, p.m.,	Upper East Union waste at Infirmary, East Union Ditch between Heddenburg's & Bullock's, Scott Lane, Tanner Race, Fifth West,	15.17
Aug. 5, a.m.,	Scott Lane, Tanner Race, Fifth West, East Union waste at Infirmary, East Union Ditch between Heddenburg's & Bullock's, City Lot Ditches,	23.39

In the list given above, the particular ditches observed upon which the totals are based, are given. From this list you will observe that not all of the escape ways of the Provo City System were visited on each date of observation. Only those escape ways visited where water was traced beyond the point for use for irrigation, are given in the lists above.

If you desire the detail information with reference to each escape way, we will furnish you with the list.

Yours truly,

PROVO RESERVOIR COMPANY.


Secretary.

COPY

Provo Reservoir Company, :

vs. :

Provo City, et al, :

Provo City, Utah,

August 9th, 1917.

Mr. F. T. Wentz,
Water Commissioner,

Dear Sir :-

Your letter of July 28th, 1917 is just received, it having been mis-sent to Salt Lake City, because of indefinite address, as shown by the post office stamps on its envelope, w which we enclose. Our failure to reply to this letter is due solely to delay in receiving the same. Your letter of August 4th is also at hand. Replying to these letters, may we say:

All weirs and rating flumes, which are used to measure water to Provo City, are without leaks. Our engineer informs us that the weir boards in the Factory Race and East Union Canal are apparently out of level. Upon your authorization immediate steps will be taken to rectify this condition.

Beginning with this date, daily readings on Tanners Race and weekly readings on our Water Works System will be furnished you. In regards to the condition of the gates leading from City Creek to the river near the mouth of Provo Canyon, we made arrangements with Mr. Ferguson, the Water Master for the East River Bottoms, to have these gates fully repaired. The East River Bottoms use water through these gates and their Water Master was relied upon to repair the same because of his proximity to the trouble. We have now been in communication with Mr. Ferguson and learn that the leaks are entirely stopped.

In answer to your query as to why certain quantities of water have been allowed to flow in the Factory Race at night from July 28th to August 4th, may we say, that some of the mills on the Factory Race are anxious to use the water night and day when they can secure it. It is the policy of the city to give these mills the advantage of this water whenever there is sufficient to supply the irrigation needs without it. During the period from July 28th to August 4th there was sufficient rain to supply irrigation needs without using the Factory Race or other streams. This matter seems so obvious that we should hesitate to call your attention to it, had not a number of measurements, taken under conditions that were entirely abnormal, been given in evidence in this trial. Your measurements were given for July 28th to August 4th which was the one week of heavy rains from a long period of entire drought, as is clearly shown by the following data obtained from the United States Reclamation Service;

11

Quantities of :
 Date : Water in Factory : Mean : Rainfall.
 Race as Given by : Temperature :
 you.

July	16.	0	72.1	0
"	17.	0	74.1	0
"	18.	0	74	0
"	19.	0	74.1	0
"	20.	0	73.1	0
"	21.	0	75	0
"	22.	0	75.1	.09
"	23.	0	74.1	.01
"	24.	0	75	0
"	25.	0	76	.16
"	26.	0	73.1	0
"	27.	0	72	.40
"	28.	35 sec. ft.	70	.45
"	29.	35 sec. ft.	68	.01
"	30.	40-43 sec. ft.	70	.70
"	31.	61-64 sec. ft.	66.1	0
August	1.	70 sec. ft.	66	0
"	2.	56-59 sec. ft.	68.1	0
"	3.	40-43 sec. ft.	70.1	0
"	4.	39-43 sec. ft.	69	0
"	5.		68.1	.02
"	6.		67.1	0

We are also in receipt of your outline of Distribution for 1917, which allows Provo City the following quantities:

	Area	Sec.	Loss	Total	25 per cent	Grand
		ft.	Est.		Additional	Total.
Provo City						
Acreage . . .	2058.6	70	29.40	29.40	7.35	36.75
Provo City	300	50	6.00	6.00	1.50	7.50
Lots						
Factory Race						14.00
Subtotal						58.25
Provo City Waterworks						5.00

These amounts practically correspond with the proposals of the plaintiff at the time of arguing the case; but we had not considered the proposals of the Provo Reservoir Company to be in any way authoritative or fair. These amounts are much less than you considered necessary for the City in the two previous years when water was scarce. We sincerely hope that it will not be necessary to request the Court to modify his present order, but we frankly state that such action will be imperative under your proposed distribution unless there is an unusual amount of rain during the remainder of the year.

If there are irregularities in the measurement or distribution of water by the employees of Provo City we ask that you immediately notify the undersigned, and the matter will have our prompt attention.

Most respectfully yours,

Prove Reservoir Company. *

vs. *

2888 Civil. *

Prove City et al. *

Prove City, Utah, Aug.12,1917.

Hon. C.W.Morse, Presiding Judge.

Salt Lake City,Utah.

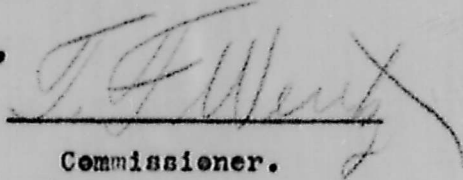
Sir:

Enclosed herewith I am sending, Summary of "Day Observations" of water delivered to the defendant Prove City. Also Observations made during the night by Mr. Brown, these are taken for the express purpose to shew constancy of flow.

Enclosed also find letter of Aug.9th from the defendant Prove City, and letter of Aug.7 from the Plaintiff. I also enclose envelope that contained my letter of July 29 to Prove City and which was missent to Salt Lake City.

I also enclose daily sheet of total measurement of the 9th inst., this measurement is made without any change of gates, and to show precisely the total flow in this division.

Resp. Submitted,


Commissioner.

Total Discharge
East Union, Factory Race, City Race, and Tanner Race.

Aug. 4 to 11, 1917.

Date	Time	Sec.ft.	Observer.
Aug. 4,	9a	77.89	Dyson.
"	4, 3p	75.65	Dyson.
"			
"	5, 9a	73.06	Wentz.
"	5, 6p	69.29	Wentz.
"			
"	6, 9a	80.49	Dyson.
"	6, 11a	79.71	Wentz.
"	6, 4p	78.14	Dyson.
"			
"	7, 7a	70.02	Wentz.
"	7, 9a	63.36	Dyson.
"	7, 4p	69.85	Dyson.
"	7, 2p	70.35	Wentz.
"			
"	8, 7a	65.29	Swan.
"	8, 9a	68.65	Dyson.
"	8, 4p	65.18	Dyson.
"			
"	9, 9a	67.92	Dyson.
"	9, 1p	71.66	Wentz.
"	9 2 p 4p	70.91	Dyson.
"			
"	10, 9a	66.19	Dyson.
"	10 10a	66.09	Wentz.
"	10 12m	63.84	Dyson.
"	10 4p	61.80	Dyson.
"			
"	11 7a	69.44	Brown.
"	11 9a	74.18	Dyson.
"	11 4p	76.01	Dyson.

Provo, Utah, Aug. 12, 1917.

H. J. W. Goddard Commissioner Of Irrigation for Provo City.

Provo City, Utah.

Dear Sir:

I acknowledge receipt of your letter under date of Aug. 9, the original has been forwarded to the Hon. Judge Morse.

At the time of our conversation in my office it appeared to me that no reply to your letter was necessary, after more consideration and in order that the files may be clear and the Court fully informed I make the following comments:

Observe that the total discharge for Aug. 8, 9 a.m. is 58.85 in the summary of totals to Provo City, this measurement was taken immediately after the wheel of the Provo Pressed Brick Plant was shut down. When this plant is stopped the water is allowed to 'back up' in the head race until it flows over the spillway. A measurement taken shortly after the starting of the plant shows an increased flow. I have thought of having a set of gage readings taken over the twenty four hour period on each of the stations of Provo City, I am sure such a set of measurement will show a uniform total flow, I am informed that you have purchased a set of registers if you intend installing these immediately, I will defer taking these extended series of observations.

I suggest that you instruct your employees to take gage readings when the plant of the Provo Pressed Brick Company has been running some considerable time. Observations made at the time of shifting the water from the Factory Race to the East Union and vice versa are worthless, and have the appearance of unfairness.

You are advised that the Factory Race Weir, with the water level with crest, leaks approximately 1.50 second feet, with normal discharge this leakage is assumed at 2.00 second feet, and will so appear in my notes hereafter.

There has been some fluctuations of the East Union observed by the night gage reader, these changes have not been accounted for, Mr. Brown reports "The lights went dim, and I found the water in the East Union". Please have a lock put on this gate, and have a record kept of the time changes are made.

Your letter after quoting the Outline of Distribution for the year 1917 to Provo City, raises the question of necessities, and infers the distribution is made solely upon the required amounts, this is a wrong impression; The distribution is made according to the order of April 12, 1917, and the amounts to each and all of the defendants in this division are far in excess of the quantities required. I am surprised to know that any one is not fully aware of the testimony of the writer in at the time of trial of the case.

In order that this matter may be clear to you I shall also make a summary of the testimony of the witnesses of Provo City:-

Many watermasters and ex-employees of the city testified that farm acreage required one hour per week per acre, or two hours each two weeks per acre, and that they were so timed and had been for years using this schedule. The size of stream was estimated at 2.00 to 2.50 second feet, upon actual measurement by your Mr. Demming of these streams during the highwater period of 1916, the average was 2.00 second feet.

Your area of farm lands as stipulated in the case is 2058.6 acres. And using the amount of water claimed by your witnesses, that is 2.00 second feet on one acre one hour per week, requires:-

2.00 sec.ft. will irrigate 24 acres per day or 168 acres per week, an 84 acre duty, or 24.50 second feet required to irrigate the 2058.6 acres.

15

The total area of farm lots has been stipulated as 701 acres, of which, by the testimony not more than 300 acres is irrigated, and your Mr. Thompson testified that a 45 acre duty was required for these lots, then taking this as a basis there would be a total amount required of 6.67 second feet.

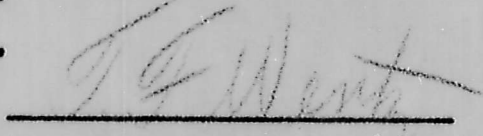
The Mills along the Factory claim 35.00 second feet for eleven hours of the working days, this is equal to a continuous flow of approximately 14.00 second feet.

A total of these items is 45.17 second feet. The Commissioner has no intention of reducing your supply to this quantity, on the other hand you will be given nearly fifty per cent more water than you claim to have perfected a title too. If you do not "get along" upon your receipt of your request for more water I will arrange to make an investigation of your system of distribution, and your application will not be denied until the causes of trouble are thoroughly determined.

You are also advised to bear in mind that the commissioner is giving you all the attention that time will permit, and your co-operation is sincerely desired, of the 48,000 acres in this case I am personally distributing to 39,000 acres, directing the distribution on the other 9,000, and drawing the storage water by phone.

I do not care to go into the matter of necessities, so long as you are content with reasonable amounts.

Resp.


Commissioner.

Provo, Utah. August 14, 1917.

Provo Reservoir Company,

vs

Provo City, et al.

Mr T.F. Wentz,

Provo, Utah.

Dear Sir:-

My attention has been called to certain statements contained in your letter of August 12 th, regarding my testimony given in the above entitled case.

Allow me to state first that if you were ever appointed as the judge to hear and render the decree in this case, I have been misinformed.

Second: I did not at any time give testimony that the lots of Provo City required only a duty of 45 acres of lots under cultivation, but I did testify that a duty of 45 acres on all the lots in Provo City would be sufficient.

Third: I notice that while you are particular to call attention to the testimony given by me in regard to the proportion of the lots irrigated in a part of the city, you entirely ignore the testimony that I gave in regard to the other portion of the city wherein I stated that 75% of the lots on the west side of the city are irrigated.

In reference to instructions given on time to take guage readings, I would state that in my experience the best time to take measurements is between six and seven a.m. before the Provo Pressed Brick Company start their wheel, provided, the water has not been backed up. If the water has been backed up, it is necessary to open their waste gates and draw off the back water until a steady flow is obtained.

T.F.W. #2

I have never had the gates at the head of the East Union Canal molested in the four years I have been on the canals. The water has fluctuated as occurred on the night of August 8th, which I will explain as an example.

When I adjusted the gates before leaving on this evening it was necessary to raise the gates on the Union to the top of the water in order to get enough into the canal; later the Brick Company's wheel was shut down but the spill way gates were not opened and this put a head of back water on the Union Canal which very much increased the flow. This has occurred before and has been the cause of some annoyance. When the gates of the Union are down as in the daytime, the change of head does not give much trouble, but when gates are set near the top of the water an increase of head will give an increase of flow. The gauge reading when set in the evening was 98 with the gate at the top of the water. The gauge reading the next morning at 6 a.m. was 1.08 with water backed up in City Creek as far as the railroad bridge and above the bottom of the gate at least 8 inches.

If there is any leak in the Factory Race at the present time I have not discovered it; but will investigate further.

It has been necessary to turn some water to the ice plant to keep their condensers cool. We repaired the old leak on August 6th, on that night a rat cut through alongside of the flume, this was repaired on August 7th, and planks driven in to stop rats. I have not discovered any leak since. I am,

Respectfully,

Thomas L. Thompson

Water Master

Provo, Utah. Aug. 24, 1917.

Upper East Union Canal Co.

Provo, Utah.

Gentlemen;

Your protest to the Court of July 21, 1917, has been called to my attention, and a copy of the same furnished me.

I was not aware of any protests being filed until the evening of July 26, the night before the Court took up these matters. I meet your Mr. Cluff very often, and confer with him regarding the amounts he requires, and how he is getting along. There is no intention of reducing the quantity in your canal to absolute necessities, on the other hand I have always allowed a surplus to make you safe from the interferences of the Fausett Field users, and this method will be continued.

On July 13, 1917, there was high^h water flowing to the lake, previous to this date I assume there was no question. By the register record on your canal the discharge was as follows:

July 14, 25.20	July 23, 19.70
" 15, 24.50	" 24, 19.00
" 16, 24.10	" 25, 20.00
" 17, 23.00	" 26, 18.50
" 18, 19.70	" 27, 16.40
" 19, 17.90	" 28, 18.50
" 20, 16.70	" 29, 19.00
" 21, 15.70	" 30, 2.00 (Voluntarily reduced by Mr. Cluff.)
" 22, 19.00	

On July 21, I was in Heber, and on this day the Emergency Dam of the Utah Power & Light Co. was put in at the mouth of the canyon, and the Timpanogus Canal Co. also put in their dam on this day, you will observe that with no change of gates the flow on the following day again became near the average amount.

I have compared the discharge listed above with the quantities of water diverted by you during the time previous to July 14, and I frankly say I cannot understand why this protest was made to the Court, when there had been no intimation of you being dissatisfied.

I am under the impression that you have been mislead, and I will be pleased if you will kindly clear up this matter.

Very Resp.

Commissioner.

Provo Reservoir Company. *

vs. *

2888 Civil. *

Provo City et al. *

Provo City, Utah. Aug.16,1917.

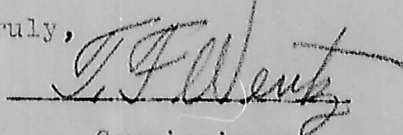
Thomas C.Thomptsen, Watermaster Provo City.

Provo,Utah.

My Dear Mr. Thomptsen:

Your Letter of the 14 inst. recieved,
and for which please accept my most sincere thanks.

Very Truly,


Commissioner.